

288765

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

RECEIVED
JUL 23 2004
3:52

In The Matter Of:

A TO Z TRANSPORTATION, INC.

Respondent.

Docket No. FMCSA-2003-15408¹ - 10
(Eastern Service Center)

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

On July, 20, 2004, the Eastern Field Administrator (Claimant) of the Federal Motor Carrier Safety Administration submitted a Motion to Withdraw his June 12, 2003, Response to Respondent's June 9, 2003, Motion to Dismiss. Claimant has concluded it is in the best interest of the public to further amend the amended Notice of Claim (NOC) issued against Respondent on June 11, 2003. The NOC will be amended to recalculate the civil penalty by giving consideration to the statutory factors set out at 49 U.S.C. 521.

The Motion will be granted, and further amendment of the NOC resolves all matters pending in this proceeding. Accordingly, the proceeding is dismissed, and the docket will be closed. If Respondent challenges the amended NOC and civil penalty amount, a new docket will be opened.

It Is So Ordered.



John H. Hill
Assistant Administrator
Federal Motor Carrier Safety Administration

7-23-04

Date

¹ The case number in this matter, prior to it coming before the Federal Motor Carrier Safety Administration decision-maker, was NJ-2003-0058-US0412.

CERTIFICATE OF SERVICE

This is to certify that on this 23rd day of July, 2004, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

James Flint, Esq.
Grove, Jaskiewicz and Cobert
1730 M Street NW, Suite 400
Washington, DC 20036

One Copy
U. S. Mail

Anthony G. Lardieri, Trial Attorney
Eastern Service Center
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

One Copy
U. S. Mail

Christopher Rotondo
New Jersey Division Administrator
Federal Motor Carrier Safety Administration
840 Bear Tavern Road, Room 310
West Trenton, NJ 08628

One Copy
U. S. Mail

U. S. DOT Dockets
U. S. Department of Transportation
400 Seventh Street, SW
Room PL-401
Washington, DC 20590

Original
Personal Delivery

W - a 7 -